

109TH CONGRESS
2D SESSION

H. RES. 674

Amending the Rules of the House of Representatives to require parity and transparency in the earmark process.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2006

Mr. LEWIS of Kentucky submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Amending the Rules of the House of Representatives to require parity and transparency in the earmark process.

1 *Resolved,*

2 **SECTION 1. PARITY IN THE EARMARK PROCESS.**

3 Rule XXI of the Rules of the House of Representa-
4 tives is amended by adding at the end the following new
5 clause:

6 “7. (a) Before any subcommittee of the Committee
7 on Appropriations may report any general appropriation
8 bill to the full committee, it shall—

1 “(1) submit a report to the House setting forth
2 the total amount of funds that shall be available for
3 funding recommendations and project requests from
4 all Members for such bill; and

5 “(2) divide such total amount by the total num-
6 ber of Members, allocate that subdivided amount for
7 funding recommendations and project requests for
8 each congressional district from the Member rep-
9 resenting that district, and indicate that subdivided
10 amount in the report.

11 “(b)(1) Whenever any Member requests less funding
12 for his district than the amount referred to in paragraph
13 (a)(2) or fails to request any such funding of any such
14 subcommittee, then the suballocation made to that sub-
15 committee under section 302(b) of the Congressional
16 Budget Act of 1974 for the applicable fiscal year shall be
17 automatically reduced by the amount of such shortfall and
18 shall not be available for reallocation pursuant to section
19 302(e) of such Act.

20 “(2) The chairman of each subcommittee of the Com-
21 mittee on Appropriations shall promptly notify the Com-
22 mittee on the Budget of the aggregate amount of the
23 shortfall for the general appropriation bill within that sub-
24 committee’s jurisdiction that causes any automatic down-

1 ward adjustment of the applicable section 302(b) sub-
2 allocation.

3 “(c) As used in this clause, the term ‘Member’ refers
4 to any Representative in, or Delegate or Resident Commis-
5 sioner to, the Congress.”.

6 **SEC. 2. TRANSPARENCY IN THE EARMARK PROCESS.**

7 (a) PROHIBITION ON OBLIGATION OF FUNDS FOR
8 APPROPRIATIONS EARMARKS INCLUDED ONLY IN CON-
9 GRESSIONAL REPORTS.—(1) No Federal agency may obli-
10 gate any funds made available in an appropriation Act to
11 implement an earmark that is included in a congressional
12 report accompanying the appropriation Act, unless the
13 earmark is also included in the appropriation Act.

14 (2) For purposes of this section:

15 (A) The term “assistance” includes a grant,
16 loan, loan guarantee, or contract.

17 (B) The term “congressional report” means a
18 report of the Committee on Appropriations of the
19 House of Representatives or the Senate, or a joint
20 explanatory statement of a committee of conference.

21 (C) The term “earmark” means a provision
22 that specifies the identity of an entity to receive as-
23 sistance and the amount of the assistance.

24 (D) The term “entity” includes a State or local-
25 ity, but does not include any Federal agency.

1 (3) This subsection shall apply to appropriation Acts
2 enacted after December 31, 2005.

3 (b) IDENTIFICATION OF EARMARKS.—Rule XXI of
4 the Rules of the House of Representatives (as amended
5 by section 1) is further amended by adding at the end
6 the following new clause:

7 “8. For each earmark set forth in any general appro-
8 priation bill, the accompanying report shall disclose the
9 name and district of the Member, Delegate, or Resident
10 Commissioner sponsoring requesting earmark.”.

11 (c) PROHIBITING WAIVER OF GERMANENESS RE-
12 QUIREMENT FOR CONFERENCE REPORTS.—(1) Rule
13 XXII of the Rules of the House of Representatives is
14 amended by adding at the end the following new clause:

15 “13. (a) A report by the Committee on Rules on a
16 rule or order that would waive clause 10(a)(1)(A) may not
17 be called up for consideration over the objection of any
18 Member, except when so determined by a vote of three-
19 fifths of the Members voting, a quorum being present.

20 “(b) A question of consideration under this clause
21 shall be debatable for 20 minutes equally divided by a pro-
22 ponent of the question and an opponent.

23 “(c) This clause is intended to admit the question of
24 consideration not only in the case of a special rule that
25 explicitly waives clause 10(a)(1)(A) but also in the case

1 of a special rule that waives all (or unspecified) points of
2 order.”.

3 (2) Clause 6(c) of rule XIII of the Rules of the House
4 of Representatives is amended—

5 (A) by striking the period at the end of sub-
6 paragraph (2) and inserting “; or”; and

7 (B) by adding at the end the following new sub-
8 paragraph:

9 “(3) a rule or order proposing a waiver of
10 clause 13 of rule XXII.”.

○